CHAPTER X

Miscellaneous

In the foregoing chapters we have discussed in detail the salient features of the proposed tenancy law. But there are some other matters which though not directly related to these features have an important bearing on tenancy law; and we propose to deal with them here.

CO-OPERATIVE FARMS

2. As mentioned in the Second Five Year Plan, reorganisation of agriculture on cooperative lines finally taking the form of cooperative village management is the ultimate goal to be aimed at. Although the progress made so far in this respect may have been slow, some steps to encourage cooperative cultivation as far as possible are essential; and this is particularly so in the case of small holdings which cannot be managed efficiently and economically as separate individual units. In course of time holdings below a certain level may have to be pooled together and brought under cooperative joint farming.

3. The Hyderabad Tenancy and Agricultural Lands Act, 1950 provides for the formation of cooperative farms. Any ten or more persons of a village or adjoining villages possessing 50 acres or more may start a cooperative farm and get it registered under the Hyderabad Cooperative Societies Act (section 66). Similarly, owners of small holdings which are below the family holding may come together and establish cooperative farms, subject to the conditions that 2/3rds of the total number of small landholders of the village or villages must at least join in the establishment and they must hold between themselves not less than 2/3rds of the aggregate area of such small holdings (section 70). All lands comprising small holdings in the village would then be deemed have been transferred to and held by the cooperative farm. The cooperative farm will be entitled to certain concessions in the form of reduction of land revenue or exemption from agricultural income-tax, financial aid from Government etc. (section 80).

Under section 43.1 (4) (c) of the Bombay act lands held or leased by approved cooperative societies having for their objects the improvement of the economic and social conditions of peasants or ensuring efficient use of land for agriculture and allied pursuits, have been exempted from certain sections of the Tenancy act relating to the duration of tenancy, rent, resumption for personal cultivation, ceilings, alienation and assumption of state ~~mana~~ management. All sales effected by or in favour of a cooperative society are also exempted from restrictions on the transfer of land.

4. The provisions of section 66 and 70 of the Hyderabad act are enabling sections and we feel it desirable that these provision should find a place in the new Tenancy act. Government may also examine whether some inducement may not be offered to the tenants of holdings less than a family holding to encourage them to join cooperative cultivation. It is very necessary to encourage these small holdings being brought under cooperative cultivation. In order to encourage cultivation on cooperative lines ~~is made~~ we would also suggest that a provision similar to section 66 of the Hyderabad act should be incorporated in the new act.

STATE MANAGEMENT OF LANDS

5. Full and efficient management of agricultural lands is one of the primary objectives underlying tenancy law. But what in practice happens is that some lands are left uncultivated for reasons such as disputes between the landlord and tenant, civil litigation or neglect on the part of either party. With a view to ensure that cultivation does not suffer in this way, the law has to provide for requisite measures.

6. The Bombay act provides that where any land remains uncultivated through default of either the landlord or the tenant or any other cause for any two consecutive years, Government may assume its management (section 65). Similarly if on account of the neglect by a Zamindar, Jahagirdar or a big landholder of disputes between him and his tenant, cultivation of his estate

has seriously suffered, the Government may assume management of his estate; Government may also do so in such cases with a view to ensure full and efficient use of the land for agriculture (section 44). Similar action in respect of land remaining uncultivated for 2 years may be taken under section 51 of the Hyderabad Tenancy and Agricultural Lands Act. Section 53-J of the latter act further empowers Government to assume management of land in excess of 4½ family holdings belonging to a landholder which has not been leased to tenants in case it is not efficiently cultivated. We would recommend that sections 44 and 65 of the Bombay Act should be adopted.

STANDARD OF EFFICIENT CULTIVATION.

7. In the course of our tours it was pointedly brought to our notice that very often the cultivator, whether he is the owner himself or a tenant, does not exert his utmost with the result that the yield obtained is poor. The lack of effort is particularly noticeable on the part of tenants. The land also suffers due to neglect. Protective measures to prevent erosion or steps to maintain the fertility of the soil by manuring are not also taken in many cases, especially where the holdings are large. It was, therefore suggested that a certain minimum standard of efficiency in cultivation should be laid down and insisted upon both from the owner-cultivator and tenant. The paramount need to do this is obvious.

8. Section 63-A of the Hyderabad Act empowers Government by rules to regulate standards of efficient cultivation and management of land with a view to bringing the agricultural economy to a higher level of efficiency. Such rules may provide for the issue of directions regarding the methods of agriculture to be followed, the use of improved seeds and other necessary measures to be taken. Agricultural production now being considered as a matter affecting national economy, individual neglect in this respect cannot be permitted.

It is desirable that a similar provision should be made in the new Act.

Khar Lands

9. The new Mysore State has a coastline of about 200 miles on the west. Large extents of land on the coast which would normally be covered by salt water during high tide are made cultivable by erecting protective bunds to keep out the sea water. They are called Khar, Khajan or Gazni lands. The lands being extensive in area, the cost of putting up such bunds is high and beyond the capacity of individuals. The cost can be reduced and erection of bunds rendered economic only if it is undertaken for a group of adjoining holdings. The bunds are further subject to the constant danger of being washed away. The result is that ~~cultivation of~~ these lands remain uncultivated.

10. Continued and proper cultivation of these lands is therefore a problem which merits attention. In Bombay State there is a Khar Lands Development Board constituted for the purpose of reclaiming khar lands and rendering them fit for cultivation. A similar Board should be formed for this State also. Since development of khar lands on a lasting basis by individuals is impossible, we would suggest that the lands may either be acquired or taken on lease for a long term (not less than 99 years) by the Board. They should be improved by the Board and then leased to cooperative societies for cultivation. A survey of khar lands in the State and examination of the question of development of the lands by the Board as suggested may therefore be taken up early.

DEFINITION OF TENANT

11. It is necessary that the word 'tenant' should be precisely defined so as to guard against evasion of law. It is noticed that in some cases persons are entrusted with the work of merely collecting or harvesting the produce. Such persons should not be regarded as tenants. We would suggest that this should be made clear in the definition of tenant as has been done in the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956.

PREVENTION OF FRAGMENTATION

12. The implementation of the provisions regarding rights of resumption, especially by holders with less than a family holding, may result in the creation of fragments. As it is not in the interests of efficient agriculture to allow fragmentation in future, we suggest that where the exercise of the right of resumption would involve the formation of a fragment, such fragment should go to the person who is entitled to the larger part.

SUBSIDIARY PROVISIONS OF LAW

13. We have so far indicated in broad outline the shape which the proposed tenancy law should take. In regard to the salient features of the law, we have explained in detail the main provisions which it should embody. In matters of lesser importance we have referred to the relevant sections of the existing Acts and have proposed their adoption with modifications where necessary. There will however, still remain a large number of provisions in the existing Acts which have not been specifically mentioned in the body of the report as worthy of adoption. These provi subsidiary provisions either mostly relate to the main aspects of the tenancy law and deal with ancillary matters arising out of them or are concerned with procedure and implementation. For obvious reasons, it is neither easy nor necessary to list all such provisions which should be incorporated in the new law. We can only suggest in this connection that the subsidiary provisions of the Bombay Act or those of the Hyderabad Act relating to subjects not covered by the Bombay Act may, in so far as they are not inconsistent with our recommendations contained in the preceding chapters, be included in the new Act with suitable modifications.

ACKNOWLEDGEMENTS

14- We have been able to complete our work within the allotted time, solely because of the very sincere and unstinted ~~cooperation~~

coopération to be had from the Collectors/Deputy Commissioners and other Revenue officers on whom the arrangements for our tours cast heavy strain. We were not only furnished with all statistical and other information at short notice but also enabled to meet people with various shades of opinion in the several districts.

The public also cooperated with us, often at considerable inconvenience to themselves. It is gratifying that as many as 5000 persons took the trouble to send replies to our questionnaire. Within the brief compass of our report we could not make any specific reference to these replies but we would like to place it on record that those replies furnished us with invaluable information and gave us an insight into the manifold facets of the tenancy problem in general and the wide local variations in particular. As we were rushed for time, meetings had often to be arranged at odd hours and we were not always able to keep up time. Regardless of all the inconveniences the public met us in large numbers wherever we went and enabled us to have a free, frank and detailed discussions of the problem.

We would also like to place on record our deep appreciation of the work of Shri L.[illegible], our Deputy Secretary who has displayed conspicuous ability in assisting us in dealing with the various questions that have come up before us from time to time. The work done by the staff of the Committee throughout at great pressure has been highly commendable and as such deserves recognition.

(D.D. JHAVERI) Chairman

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Bangalore,
Dated, 10th September 1957.